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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

KATHERINE MARTIN,)
)
 Plaintiff,)
)
 vs.)
)
 GOVERNMENT EMPLOYEES)
 INSURANCE COMPANY,)
)
 Defendant.)
)
 _____) Case No. 3:12-cv-

NOTICE OF REMOVAL

Defendant/removing party Government Employees Insurance Company ("GEICO"), through its attorneys, the Law Office of Hozubin & Moberly, P.C., and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446-48, hereby files its Notice of Removal of the above-entitled action.

1. On February 9, 2012, plaintiff commenced the above-entitled action against defendant in the Superior Court for the State of Alaska, Third Judicial District, Case Number 3PA-12-00814 Civil. GEICO was notified of service by plaintiff via certified mail on February 29, 2012.

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2. Copies of process, pleadings, and Orders in the Superior Court will be filed herewith pursuant to 28 U.S.C. §1446(a).

3. Pursuant to 28 U.S.C. §1332(a)(1), Federal District Courts "have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states."

4. For the purposes of determining diversity, "a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business." 28 U.S.C. §1332(c)(1); *see also*, Fifty Assoc. v. Prudential Ins. Co. of Am., 446 F.2d 1187, 1190 (9th Cir. 1970). Individuals are deemed to be citizens of the state of their domicile. Law v. Moss, 797 F.2d 747, 749 (9th Cir. 1986).

5. Plaintiff is a resident of the State of Alaska and is, therefore, deemed to be a citizen of Alaska. Defendant GEICO is a corporation organized and existing under the laws of the State of Maryland, with its principal place of business in the State of Maryland, and is therefore deemed to be a citizen of Maryland. 28 U.S.C. §1332(c)(1); Fifty Assoc. v. Prudential Ins. Co. of Am., 446 F.2d 1187, 1190 (9th Cir. 1970). The amount in controversy in the above-entitled action, exclusive of costs and

interest, exceeds \$75,000. The Complaint is filed in Alaska Superior Court, wherein, pursuant to A.S. 22.10.020 and A.S. 22.15.030, the Superior Court has jurisdiction in matters that exceed \$100,000. Further, plaintiff is seeking damages in excess of the \$75,000 amount in controversy.

WHEREFORE, defendant/removing party GEICO respectfully requests that this action be removed from the Superior Court for the State of Alaska to the United States District Court for the District of Alaska.

DATED this 14th day of March 2012.

LAW OFFICE OF HOZUBIN & MOBERLY
Attorneys for GEICO

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March 2012, a true and correct copy of the foregoing was mailed to and electronically served on the following:

Curtis W. Martin, Esq.
Law Office of Curtis W. Martin
263 S. Alaska Street
Palmer, AK 99645

LAW OFFICE OF HOZUBIN & MOBERLY

By: s/Rebecca J. Hozubin
2000/398/plead/Notice of Removal- USDC

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